

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

UNITED STATES OF AMERICA,
ex rel. RATLIFF CPA FIRM, P.C.,

Plaintiff–Relator,

v.

FIRST-CITIZENS BANK & TRUST COMPANY;
INTUIT INC. AND INTUIT FINANCING INC.
d/b/a QUICKBOOKS CAPITAL; PINNACLE
BANK; AND TRUIST BANK,

Defendants.

Civ. No. 2:20-cv-02369-BHH

**FILED EX PARTE AND
UNDER SEAL**

**UNITED STATES’ NOTICE OF
ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, the United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States but provides that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Accordingly, should this case move forward, the United States requests that if the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling on any such motion or request.

Furthermore, if this case continues, the United States requests, pursuant to 31 U.S.C. § 3730(c)(3), that all pleadings filed in this action be served upon the United States and that orders issued by the Court be sent to counsel for the United States. The United States reserves its right to

order any deposition transcripts, to intervene in this action at a later date for good cause, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

The United States further moves that the seal be lifted as to all previously filed documents.

A proposed order accompanies this notice.

Respectfully submitted,

M. RHETT DEHART
ACTING UNITED STATES ATTORNEY

By: s/Johanna C. Valenzuela
Johanna C. Valenzuela (#11130)
Assistant United States Attorney
1441 Main St., Suite 500
Columbia, SC 29201
(803) 929-3122
Johanna.Valenzuela@usdoj.gov

March 26, 2021

Attorney for the United States of America